## Identifying Organizational Conflicts of Interest (OCI) Primer

##

OVERVIEW
OCI is a circumstance in which a contractor may have unequal access to government information, or the existence of conflicting roles that might bias a contractor’s judgment; either of which could lead to an unfair competitive advantage. OCI can occur when a contractor is providing engineering and technical direction, or advisory, analysis, assistance, and evaluation services, preparing specifications and work statements, or acting in a capacity that gives them access to proprietary data. It is the government professional’s duty and legal obligation to ensure that it is not permitted to occur. The potential for organizational conflicts is a growing concern as the government outsources more technical work to private companies and the defense industry continues to consolidate. As we partner more with industry, the opportunities for OCI grow.

# DISCUSSION

- **Three broad categories of OCI**

-- **Unequal Access**--provides unfair competitive advantage through obtaining information not generally available to other competitors, would assist in winning the contract over competitors.

-- **Impaired Objectivity**--contractor is performing duties in assessing their performance. This also may involve evaluating products and/or services of competitors.

-- **Biased Ground Rules** most often come into play when the contractor is writing the SOW, performing systems engineering, or providing technical direction efforts.

- **Key ways to deal with OCI**

 -- **Avoid** -Prevent the occurrence of an actual or potential OCI through actions such as excluding sources or eliminating a segment of work from task to eliminate the potential for an OCI.

 -- **Neutralize -** Negate potential or actual OCI related to (1) contractor objectivity during contract performance or (2) an unfair competitive advantage. Specific actions would include encouraging/facilitating support contractor recusal, excluding/severely limiting support contractor participation in source selection activities, and otherwise barring access to competition sensitive data.

 -- **Mitigate** **-** Reduce or alleviate the impact of unavoidableOCIs to an acceptable level of risk so that the Government’s interests to fair competition and/or contract performance are not prejudiced.

- **OCI Mitigation Plan** – A contractor designs an OCI Mitigation Plan which proposes actions to identify and reduce actual or apparent OCIs to an acceptable level as approved by the JAG and Contracting Officer. The analysis of possible conflict, their significance, and risk to the company and Government must be thoroughly or well documented.

# SUMMARY

It is important to avoid real or apparent OCI to maintain the trust and confidence of the American taxpayer and contractor community. Since the contractor community needs to have absolute confidence in the impartiality of the government acquisition process, it is our professional duty to maintain the faith of the contractor community. If you suspect OCI, speak up, so make sure you contact your Contracting Officer immediately with your concerns!

# TRAINING RESOURCES

* Guide For The Government - Contractor Relationship

<https://www.my.af.mil/gcss-af/USAF/AFP40/d/s6925EC133CA00FB5E044080020E329A9/Files/Other.Pubs/Other.Guides/gov.ctr.relationship.doc>

* FAR Part 9.5 - Organizational Conflicts of Interest

<http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/09.htm#P527_90400>

* SAF AQC Library Improper Business Practices & Personal Conflicts of Interest

<https://www.my.af.mil/gcss-af/afp40/USAF/ep/contentView.do?contentType=EDITORIAL&contentId=1349011&programId=1347013&pageId=681742&channelPageId=-1989826>

* [AF Mandatory Procedures 5303](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/af_afmc/affars/MP5303.htm)**,** Improper Business Practices & Personal Conflicts of Interest